Amendments to the Drawings:

The Examiner's approval of the following drawing correction is respectfully requested.

The attached sheet of drawings includes changes to Fig. 3. This sheet replaces the original sheet numbered 3 of 3. The Replacement Sheet contains no new matter.

REMARKS

In the Office Action dated July 2, 2008, claims 13-20 were examined with the result that all claims were rejected. In response, Applicant has rewritten claim 13. In view of the above amendments and following remarks, reconsideration is requested.

First, the Examiner objects to the Abstract as not being on a separate page. In response, Applicant notes that in the Preliminary Amendment dated January 26, 2006 which accompanied the filing of this application, Applicant included an Abstract on a separate page as new page 13. However, Applicant includes another copy of that Abstract for the convenience of the Examiner.

Also, the Examiner objected to the drawings as filed because they did not illustrate the "flexibly resilient metal strip" claimed. In response, Applicant has revised Figure 3 to show the metal strip and has also revised the description accordingly. Applicant requests the Examiner approve these drawing and specification amendments.

The Examiner is rejecting claims 13 to 16 and 18 to 20 as examined on the grounds that they are anticipated by Chang (US Patent No. 6776503), and claims 13 to 20 on the grounds that they are anticipated by Mobley (US Patent No. 3029554). The Examiner is also rejecting claims 13 to 20 as being obvious in view of a combination of Mugford (US Patent No. 2004/0118361) and Chang.

In response, the applicant has amended claim 13. Claim 13 now reads as follows:

13. An animal training device comprising:

- a housing having first and second faces, and a central cavity;

- a flexibly resilient metal strip mounted in the cavity, such that said metal strip is supported at two locations along its length, and comprises a resiliently deformable portion, wherein upon the application of a force to said strip, the strip is caused to flex briefly, before springing back to its initial state due to its inherent resistive tension to produce two audible signals, each said signal corresponding to the flexing and subsequent release of the metal strip;

- an actuator provided on the first face of the housing, said actuator being arranged to bear against the resiliently deformable portion of the metal strip thereby to transfer to said portion a manual force applied to said actuator; and

- a whistle comprising a resonance chamber formed in the second face of the housing, and a mouthpiece in communication with said whistle resonance chamber, said whistle being adapted to produce an audible signal upon a user blowing into said mouthpiece.

As can been seen above, claim 13 has been amended to include the limitation that the metal strip produces two audible signals caused by the flexing and release thereof. The basis for these amendments can be found in the description, at page 10, lines 3 - 12. This limitation renders claim 13 both novel and non-obvious with respect to the prior art.

Chang discloses a three-in-one hand-held device incorporating a whistle, a torch and a thermometer. The Examiner argues that the first leg terminal (numbered 322 on the diagrams) of the device disclosed in Chang reads onto the metal strip defined in the examined claims of the current application. The examiner suggests that the terminal 322 could be used to produce a suitable audible sound upon the application of force, an argument that is tenuous at best. Terminal 322 in reality is intended to close an electrical contact, and there is no suggestion from the disclosure in Chang that terminal 322 could ever produce an audible sound, let alone the two audible signals caused by flexing and release as defined in the amended claim 13; any sound produced by leg terminal 322 would be caused by the terminal striking another object. With reference to amended Figure 3 of the current application, there is shown a resiliently deformable portion 44, which at rest is concave with respect to the upper surface of the metal strip. When the actuator is pressed against the metal strip 43, the resiliently deformable portion 44 is inverted and it is this deformation that produces the first audible sound. When the actuator is released, the resiliently deformable portion 44 returns to the rest position, producing the second audible sound.

Further, a person having ordinary skill in the art would not consider adapting the torch switch disclosed in Chang for use as a clicker for animal training. The field of invention of Chang is completely unrelated to animal training devices.

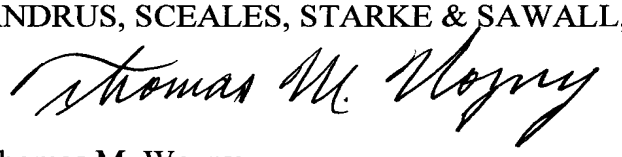
Amended claim 13 is also novel with respect to Mobley. Mobley discloses a wildlife caller having a resilient strip numbered 200 on the diagrams, which the examiner argues is equivalent to the metal strip of the current application. Strip 200 is used to engage a reed 210, and is moved by actuator 180. As with the device disclosed in Chang, this strip could only arguably be used to produce an audible signal by pressing it hard enough against the reed. There is no suggestion in Mobley that this strip could produce two audible signals caused by the flexing and release thereof. It is clear that Mobley is not suitable for producing the two audible sounds produced by the resilient metal strip of the current application. The strip, actuator and reed of Mobley are intended to alter the acoustic properties of the device when it is blown to produce variable sound. Therefore, a person having ordinary skill in the art of animal training devices would not consider using the device disclosed in Mobley as a clicker as it is specifically adapted to produce altogether different sound similar to wildlife calls.

Further, the applicant rejects the suggestion that a person skilled in the art would combine a whistle with the device disclosed in Mugford based on the teaching of Chang. Mugford discloses an animal training clicker that is not dissimilar to the clicker portion of the present invention. However, Mugford does not disclose a whistle, which is very important to the current invention because the whistle acts as a separate recall sound contrasted with the reward sound of the clicker. There is no suggestion in Mugford that other devices such as a whistle could be incorporated into this device or would be of any use when training an animal. Although the device disclosed in Chang includes a whistle and other elements, it would not be obvious to combine this with the training clicker disclosed in Mugford. Chang is directed to a torch, whistle and a thermometer. Clearly this device is not intended for use with animal training, and instead is better suited to use in human outdoor pursuits, or as a safety device so a user can attract attention, see where they are going, etc. Torches and thermometers have no benefit when training an animal such as a dog, so Chang would not be considered by a skilled person wanting to improve a training clicker.

An effort has been made to place this application into condition for allowance and such action has been earnestly requested.

Respectfully submitted,

ANDRUS, SCEALES, STARKE & SAWALL, LLP



Thomas M. Wozny
Reg. No. 28,922

Andrus, Sceales, Starke & Sawall, LLP
100 East Wisconsin Avenue, Suite 1100
Milwaukee, Wisconsin 53202
Telephone: (414) 271-7590
Facsimile: (414) 271-5770